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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,557	10/16/2003	Kiyohiro Akiyama	045237-0122	3492
22428	7590	11/21/2006	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	Application No. 10/686,557	Applicant(s) AKIYAMA, KIYOHIRO	
	Examiner Ismael Negron	Art Unit 2875	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 25 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attached DETAILED ACTION. (See 37 CFR 1.116 and 41.33(a)).

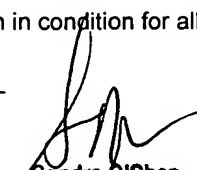
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: 1,3-7 and 18.  
 Claim(s) objected to: 10-12 and 17.  
 Claim(s) rejected: 9,13-16 and 19.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attached DETAILED ACTION.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

  
 Sandra O'Shea  
 Supervisory Patent Examiner  
 Technology Center 2800

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed October 25, 2006 have been fully considered but they are not persuasive.
2. Regarding the Examiner's rejection of claims 9 and 19 under 35 U.S.C. 102(b) as anticipated by ITO et al. (U.S. Pat. 6,234,646), the applicant argues that the cited reference fails to disclose all the features of the claimed invention, specifically each of the mirror finished surfaces being arranged on a segment connecting the light emission source of the LED to one of the boundaries between the reflection surfaces and the mirror finished surfaces, or the mirror finished surfaces being arranged so as to not reflect light emitted by the LED but to reflect light incident from the lamp lens.
3. Regarding the Examiner's rejection of claims 13-16 under 35 U.S.C. 102(b) as anticipated by ITO et al. (U.S. Pat. 6,234,646), the applicant presents no arguments.
4. In response to applicant's arguments that ITO et al. failed to disclose individually the mirror finished surfaces being arranged on a segment connecting the light emission source of the LED to one of the boundaries between the reflection surfaces and the mirror finished surfaces, the applicant is respectfully advised that while the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during

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examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 70 USPQ2d 1827 (Fed. Cir. May 13, 2004).

In this case, as detailed in section 3 of the Final Action (mailed August 4, 2006), ITO et al. discloses a vehicle lighting unit 1 including an inner housing 3, such inner housing 3 formed by a plurality of alternating paraboloid reflective portions 3a and 3b. Reflective portions 3a are arranged in such a manner as to reflect light from the LED 2a in a direction parallel to an axis P. Reflective portions 3b are **generally** arranged on a segment connecting the light emission source to one of the boundaries between the reflection reflective portions 3a and 3b. Such arrangement was considered to broadly meet the claimed limitations as reflective portion 3b could not be arranged on the cited segment per se, since such reflective portion 3b are not a flat, but paraboloidal. In addition, it is noted that the mirror finished surfaces are claimed as arranged on the cited segment, not as being formed by such segment; the reflective portions 3b of ITO et al. could broadly be considered to be arranged on segment connecting the light emission source to one of the boundaries between the reflection reflective portions 3a and 3b, while not formed by such segment.

However, even if applicant's arguments were considered to overcome the rejections based on ITO et al., it is noted that the proposed after final amendments present a claim 9 with language which is more restrictive and would therefore require new search and/or consideration.

5. In response to applicant's surprising argument that ITO et al. failed to disclose individually the mirror finished surfaces being arranged so as to not reflect light emitted by the LED but to reflect light incident from the lamp lens, the applicant is once again respectfully advised that while the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 70 USPQ2d 1827 (Fed. Cir. May 13, 2004).

In this case, as detailed in section 3 of the Final Action (mailed August 4, 2006), ITO et al. discloses a vehicle lighting unit 1 including an inner housing 3, such inner housing 3 formed by a plurality of alternating paraboloid reflective portions 3a and 3b. Reflective portions 3a are arranged in such a manner as to reflect light from the LED 2a in a direction parallel to an axis P. Reflective portions 3b are arranged so as to not reflect light from the LED. Both the reflective portions 3a and 3b are capable of reflecting outside light incident on the inner housing 3 from the lamp lens 5, as evidenced by Figure 4.

While the applicant might be correct in stating that the reflective portions 3b of ITO et al. do reflect light from LED 2b, it is also a fact that the do not reflect light from LED 2a. The instant invention, as defined by the claims, recites one light emitting diode (emphasis added) with the mirror finished surfaces arranged so as to not reflect light from such one light emitting diode. As the applicant will surely agree, the reflective

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portions 3b of ITO el. do meet the claimed limitations of not reflect light from such the LED 2a, their reflection of light from LED 2b being irrelevant, as such LED 2b is not part of the claimed invention.

6. Regarding newly proposed claims 20 and 21, it is noted that such claims are being presented After Final Action without canceling an equal number of claims.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (571) 273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

  
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